



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,412	08/14/2001	Norman Ken Ouchi		9132

41212 7590 02/08/2006

NORMAN KEN OUCHI  
P.O. BOX 20111  
SAN JOSE, CA 95160

EXAMINER

JARRETT, SCOTT L

ART UNIT	PAPER NUMBER
----------	--------------

3623

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/929,412

Applicant(s)

OUCHI, NORMAN KEN

Examiner

Scott L. Jarrett

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 37-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 37-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This **Final** office action is responsive to Applicant's amendments filed November 11, 2005 and December 10, 2005. Applicant's amendments canceled claims 1-36 and added new claims 37-56. Currently claims 37-56 are pending.

#### ***Response to Amendment***

2. Applicant's amendments filed November 11, 2005 and December 10, 2005 with respect to canceled claims 1-36 and new claims 37-56 necessitated new ground(s) of rejection.

The Objection to the Title is withdrawn in response to Applicant's amendments to the title.

The Objection to the Abstract is withdrawn in response to Applicant's amendments to the Abstract.

The 35 U.S.C. 112 (2) rejection of Claims 1-15 is withdrawn in response to Applicant's cancellation of Claims 1-15.

The 35 U.S.C. 101 rejection of claims 1-15 is withdrawn in response to Applicant's cancellation of claims 1-15.

#### ***Response to Arguments***

3. Applicant's arguments with respect to new claims 37-56 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3623

It is noted that the applicant did not challenge the Official Notice(s) cited in the previous office action therefore those statements as presented are herein after prior art. Specifically it has been established that it was old and well known in the art at the time of the invention:

- to link processes and/or sub processes (sub flows, sub-routes, etc.) utilizing forward (next) and back (return) links (relationships, dependencies).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 37, 40-45, 47-51 and 53-56 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hewlett-Packard's eFlow system and method as evidenced by at least the following:

- I. Casati et al., eFlow: a Platform for Developing and Management Composite e-Services (March 2000), herein after reference A; and
- II. Casati et al., Adaptive and Dynamic Service Composition in eFlow (March 2000), herein after reference B.

Regarding Claims 37, 45 and 51 eFlow teaches a method and system to adapt (change, alter, etc.) a route (path, workflow, sequence of steps, "service process"; reference A: Figures 4-5 and 7; reference B: Paragraphs 3-4, Page 3; Figure 5) to implement a process while processing (executing) the route ("service process instance") comprising:

- a computer for processing and storing the route (sub-route, workflow step, etc.; "eFlow engine"; reference B: Page 5, Figure 5);

Art Unit: 3623

- dividing a process (workflow, route, etc.) into a sequence of process steps (activities, sub-workflows, tasks, etc.; i.e. defining the workflow route; reference A: Column 2, Paragraphs 2-3, Page 2; Figures 3-8; reference B: Figure 1);

- assigning (specifying) to each process step, except the specified first process step, a workflow step (workflow, sub-route, sub-workflow, activity, task, service, etc.) that implements the process step, where the sequence of process steps create a route ("dynamic service discovery", "multiservice nodes", "generic nodes", "service selection rule"; reference A: Column 1, Paragraphs 2-3, Page 3; Figures 6-8; reference B: Section 4.1 "Dynamic Service Node Creation", Page 5);

- including (defining, specifying), prior to the first process step of the route, an adaptive (dynamic, run-time, etc.) workflow step that implements the first process step ("dynamic service discovery", "multiservice nodes", "generic nodes", "service selection rule"; reference A: Column 1, Paragraphs 2-3, Page 3; Section 4.1 "Dynamic Service Node Creation", Page 5; Section 4.2 "Dynamic Service Instance Process Modification", Page 6; Figures "Data Collection", 3-6; reference B: Section 3.1 "Dynamic Service Discovery", Page 7; Section 3.2 "Multiservice Nodes", Page 8; Section 3.3 "Dynamic Service Node Creation", Page 9);

- executing (processing) the route in a workflow system such that the adaptive workflow step specifies (determines, assigns, etc.) a workflow step (process, path, route, task, etc.) to implement the first process step and thereby adapt the route to implement the process (i.e. specifies subsequent step which adapts the route; reference A: Column 1, Paragraphs 2-3, Page 3; Section 4.1, Page 5; Section 4.2, Page 6;

Art Unit: 3623

Figures 3-6; reference B: Section 3.1, Page 7; Section 3.2, Page 8; Section 3.3, Page 9).

Regarding Claims 40, 47 and 53 eFlow teaches a method and system for adapting a route wherein the adaptive workflow step specifies a sub-route (sub-workflow, nested workflow/path/route, sequence of steps, workflow, composite services, multiservice nodes, service selection rule; reference A: Paragraph 2, Page 1; Section 3 "Composing and Managing e-Services", Page 4; Figures 2, 4, 6; reference B: Paragraphs 1-4, Page 8; Paragraphs 2-4, Page 4; Section 3.3 "Dynamic Service Creation", Page 9).

Regarding Claim 41 eFlow teaches a method and system for adapting a route wherein the adaptive workflow step specifies a sub-route from a library (directory, list, repository) of sub-routes (reference A: Section 5 "Process templates, service nodes and service node data repositories", Page 6; Column 1, Paragraphs 1-3, Page 8; reference B: Section 3.1, Page 7; Last Paragraph, Page 9).

Regarding Claims 42, 48 and 54 eFlow teaches a method and system for adapting a route wherein the adaptive workflow step specifies a sub-route, the sub-route including an adaptive workflow step (adaptive step; reference A: Column 1, Paragraphs 2-3, Page 3; Section 4.1, Page 5; Section 4.2, Page 6; Figures 3-6; reference B: Section 3.1, Page 7; Section 3.2, Page 8; Section 3.3, Page 9)..

Regarding Claims 43, 49 and 55 eFlow teaches a method and system for adapting a route wherein the adaptive workflow step specifies (defines, includes, etc.) parallel sub-routes (workflows, paths, routes, processes, tasks, etc.; reference A: Figure 5; reference B: Paragraphs 3-4, Page 4; Paragraph 3, Page 8; Figures 5, 8).

Regarding Claims 44, 50 and 56 eFlow teaches a method and system for adapting a route wherein the adaptive workflow step modifies a sub-route and specifies (identifies, assigns, etc.) the modified sub-route (reference A: Column 1, Paragraphs 2-3, Page 3; Section 4.1, Page 5; Section 4.2, Page 6; Figures 3-6; reference B: Section 3.1, Page 7; Section 3.2, Page 8; Section 3.3, Page 9).



***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 38-39, 46 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hewlett-Packard's eFlow system and method as evidenced by at least the following:

I. Casati et al., eFlow: a Platform for Developing and Management Composite e-Services (March 2000), herein after reference A; and

II. Casati et al., Adaptive and Dynamic Service Composition in eFlow (March 2000), herein after reference B.

as applied to claims 37, 40-45, 47-51 and 53-56 above and further in view of Open Text Corporation's LiveLink Intranet system and method as evidence at least by Cox, Nancy, Passing the baton with four enterprise-ready workflow management products (October 1997).

Regarding Claims 38-39, 46 and 52 eFlow teaches an adaptive workflow management system and method wherein the workflow route (steps, activities, tasks, sub-workflows, etc.) is dynamically adapted as discussed above.

While the assigning of users (agents, etc.) to workflow steps, activities, tasks, flows, etc. is a well-established and a definitive feature of workflow systems/methods eFlow does not expressly teach assigning a *user* to a workflow step (subsequent/first step) or subsequently selecting the user from a list of users as claimed.

LiveLink Intranet teaches assigning (specifying, identifying, determining, etc.) a user for a specified workflow step (subsequent/first step) and selecting the user from a list (directory, repository, menu, etc.) of users (Column 3, Page 134), in an analogous art of workflow management for the purposes of defining a workflow route wherein users perform one or more of the workflow steps/activities/tasks.

It would have been obvious to one skilled in the art at the time of the invention that the system and method for adapting a route to implement a process as taught by eFlow would have benefited from assigning users to one or more workflow steps, the users being selected from a list/directory of users, in view of the teachings of LiveLink Intranet; the resultant system enabling businesses/users to define and manage an adaptive workflow route wherein users perform one or more of the workflow steps/activities/tasks (LiveLink: Column 3, Page 134).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Luly et al., U.S. Patent No. 5,744,661, teach a system and method for adapting the route of a workflow wherein an object's route is dynamically determined based on an "evaluation" of the object by the workflow system/method. Luly et al. further teach the selection of workflows/sub-workflows from a list/library.

Art Unit: 3623

- Arai et al., U.S. Patent Publication No. 2002/0046072, teach an adaptive workflow system and method wherein users assigned/specified in the workflow adaptively select subsequent workflows/steps/users.

- Workflow Management Coalition – The Workflow Reference Model (1995) teaches a plurality of well known workflow management concepts and techniques including but not limited to assigning users to workflows and executing parallel workflows/sub-workflows.

- Ellis et al., Dynamic Change Within Workflow Systems (1995) teaches an adaptive workflow method comprising parallel sub-workflows and adaptive workflow steps.

- Mitchell, Karen, Juggling deeds, deadlines (1997) teaches the commercial availability of a plurality of workflow management systems and methods.

- Dunn, Julie, Workflow solutions: Going with the flow (1997) teaches the commercial availability of a plurality of workflow management systems and methods wherein several of the systems support adaptive/dynamic workflows, assign users to workflows/sub-workflows and the execute parallel workflows/sub-workflows.

- Ader, Martin, Seven workflow engines reviewed (1997) teaches a plurality of well known workflow management systems and methods including but not limited to TeamWare Flow, wherein such systems commonly support ad-hoc and/or dynamic workflows as well as provide libraries of workflow steps/activities/sub-workflows. Ader further teaches that TeamWare Flow enables the workflow to be adapted/modified while the process is in progress.

- Meijler, Theo Dirk et al., Realising Run-time Adaptable Workflow by means of Reflection in the Baan Workflow Engine (1998) teaches Baan's workflow system and method support for a plurality of mechanisms for adapting workflow routes, specifically wherein the first (every) step comprises a "shoot tip activity" which specifies a workflow/step that implements the (first) subsequent workflow step.

- Vossen, Gottfried et al., Flexible Workflow Management with WASA2 (1999) teach an adaptive workflow system and method wherein the system/method enables the dynamic adaptability of running/executing workflows.

- Heintl, Petra et al., A Comprehensive Approach to Flexibility in Workflow Management Systems (1999) teaches a system and method which provides two approaches to adapting workflows: flexibility by selection and flexibility by adaptation.

- Georgakoloulos, Dimitrios et al., Managing Escalation of Collaboration Processes in Crisis Mitigation Situations (2000) teaches a method and system for adapting a route to implement a process wherein the first step, an adaptive step, specifies a workflow step to implement the first process step and adapts the route to implement the process.

- BizTalk Orchestration (2000) teaches a commercial system and method for adapting workflows wherein the system/method supports dynamic processes.

- Shegda, Karen (2000) teaches a commercially available workflow management system known as LiveLink Intranet.

- Halliday, J.J. et al., Flexible Workflow Management in the OPENflow System (2001) teaches a method and system for adapting a route to implement a process

Art Unit: 3623

wherein the adaptive workflow steps specify workflow steps to implement first/subsequent workflow steps thereby adapting the route to implement the dynamic process.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CSJ

2/3/2006

  
TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600